

[FISHER, C.J. AND DICKINSON, ACTING P.J.]

IN THE MATTER OF THE PETITION OF KLITOS LOIZIDES

AND

IN THE MATTER OF THE TAXPAYING INHABITANTS OF

KELOKEDARA

AND

IN THE MATTER OF THE MALICIOUS INJURY TO PROPERTY

LAWS, 1894 AND 1909.

FORMALITIES—MUKHTAR REPRESENTED VILLAGE—NO POINT RAISED ABOUT
NON-COMPLIANCE—PRESUMPTION, COMPLIED WITH.

Facts shortly as follows:—

Petitioner having stayed two days in Kelokedara village left with his animal for Ktema. Animal became sick on the road there and died three days later in Ktema. Petitioner called in a doctor to see the animal. Later he informed Ktema Police and Mukhtar and after that the Mukhtar and Azas of Kelokedara. At the trial no point was taken that the Police at Kelokedara were not informed. The intestines of the animal were removed in the presence of the Mukhtar of Ktema, and the Police sealed and sent them to the Government Analyst, who reported he had found in the animal's stomach, a sufficient quantity of arsenic to be a fatal dose.

The District Court found for Petitioner and ordered the Respondent village (now the Appellants) to pay £30 and costs.

The Appellants are the inhabitants of the Respondent village.

Triantafyllides for Appellants.

Ioannides for Respondent (Petitioner).

Triantafyllides : There was no evidence that report was made to nearest Police, *i.e.*, Kelokedara.

Judgment : The Respondent village was represented by the Mukhtar at the trial and he raised no point suggesting that any formality had not been complied with, therefore we must assume all formalities were duly carried out.

Appeal dismissed with costs.

FISHER,
C.J.
&
DICKIN-
SON,
ACTING P.J.
1921
June 21